

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION – CINCINNATI

CINCOM SYSTEMS, INC.,	:	Case No. 1:20-cv-83
	:	
Plaintiff,	:	Judge Matthew W. McFarland
	:	
v.	:	
	:	
LABWARE, INC.,	:	
	:	
Defendant.	:	
	:	

ORDER AND OPINION

This matter is before the Court on the parties' Joint Motion Regarding Briefing Schedule on Pending Motions and Request for Leave to File Anticipated Briefs Under Seal (Doc. 94). For the following reasons, the motion is **GRANTED**.

I. Briefing Schedule

Federal Rule of Civil Procedure 6(b)(1) allows a court to extend court deadlines "for good cause." The parties jointly request an extension to "consolidate the briefing schedule so that all opposition and reply briefs on the pending motions are due on the same day." (Motion, Doc. 94, Pg. ID 11019.) Thus, the parties have demonstrated good cause to extend the briefing deadlines.

II. Sealing Anticipated Briefs

While the Sixth Circuit recognizes a strong presumption against the sealing of documents, *Shane Grp., Inc. v. Blue Cross Blue Shield*, 825 F.3d 299, 305 (6th Cir. 2016), this

presumption may be overcome by “trade secrets, information covered by a recognized privilege (such as the attorney-client privilege), and information required by statute to be maintained in confidence[.]” *Id.* at 308 (citing *Baxter Int’l, Inc. v. Abbott Labs.*, 297 F.3d 544, 546 (7th Cir. 2002)). “To meet this burden, the party must show three things: (1) a compelling interest in sealing the records; (2) that the interest in sealing outweighs the public’s interest in accessing the records; and (3) that the request is narrowly tailored.” *Kondash v. Kia Motors Am., Inc.*, 767 F. App’x 635, 637 (6th Cir. 2019). To do so, the party must “analyze in detail, document by document, the propriety of secrecy, providing reasons and legal citations.” *Id.* (citing *Shane Grp.*, 825 F.3d at 305).

Here, the parties have met such burden. The parties request leave to file under seal the parties’ anticipated briefing, “which cite to and quote verbatim confidential record materials that contain CONFIDENTIAL and ATTORNEYS’ EYES ONLY materials that the [C]ourt previously ruled must be filed under seal” pursuant to the Court’s January 12, 2023 Order. (Motion, Doc. 94, Pg. ID 11020.) For the reasons detailed in the Court’s January 12, 2023 Order, the parties have met the burden described in *Shane Group, Inc. v. Blue Cross Blue Shield*, 825 F.3d 299, 305 (6th Cir. 2016). (See Doc. 51).

Accordingly, the Court **ORDERS** the following:

1. The parties’ Joint Motion Regarding Briefing Schedule on Pending Motions and Request for Leave to File Anticipated Briefs Under Seal (Doc. 94) is **GRANTED**;
2. The parties are **ORDERED** to file their anticipated opposition and reply briefs under seal;

3. The parties **SHALL** file opposition briefs to the pending summary judgment, *Daubert*, and *in limine* motions on or before Friday, February 10, 2023;
4. The parties **SHALL** file reply briefs for the pending summary judgment, *Daubert*, and *in limine* motions on or before Monday, February 27, 2023.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

By: 
JUDGE MATTHEW W. McFARLAND